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INTERNAL AFFAIRS BUREAU **IV 2093872**
INVESTIGATIVE SUMMARY

Subject(s): **ARREOLA, JOHN A., #[redacted]**
GONZALEZ, ANGELA M., #[redacted]

Date: **July 12, 2003 (Saturday)**

Location: **Cresenta Valley Station , 4554 N. Briggs Avenue, La Cresenta, CA**

This case pertains to an incident that occurred on July 12, 2003 at 0050 hours. Subjects Angela Gonzalez and John Arreola, both assigned to Cresenta Valley Station, were together for the shift. Subject Arreola was a deputy in [redacted] and assigned with Subject Gonzalez, while his assigned [redacted] was on an assigned [redacted] day. The subjects observed a vehicle parked in a turnout for the Angeles Crest Highway at mile marker 27.50. The vehicle was occupied with three persons and the subjects observed three additional males walk away from the vehicle as they pulled up to the van. The three males who walked from the van had in their possession amber colored bottles the subjects believed to be alcoholic beverages.

All six individuals were detained pending an investigation related to possible criminal activity. The right front passenger, Witness [redacted] DOB [redacted] was arrested for possession of a controlled substance, Methamphetamine. All of the other occupants were checked for evidence of criminal activity, identified and released.

The allegations in this case are, (1), That Subject Arreola falsified an arrest report **(Exhibit B)** when he wrote that Suspect [redacted] told him that he was on [redacted] and had marijuana in his pocket. Subject Arreola also wrote that he discovered and confiscated the marijuana from [redacted] pants coin pocket and falsely reported his discovery to the watch commander, Sergeant Carlos Avila.. And, (2), That Subject Gonzalez falsified the Probable Cause Declaration **(Exhibit C)** when she wrote the same statements that Subject Arreola had in his arrest report.

On July 17, 2003, Chief Neal Tyler requested the Internal Criminal Investigations Bureau investigate the allegations that Subject Arreola falsified information on an arrest report, in violation of the California Penal Code. Sergeant William Looney was assigned to investigate the allegations. During the course of his investigation, he obtained information that Subject Gonzalez was possibly a party in the alleged criminal act. Gonzalez was included as a suspect in the investigation on October 17, 2003, by Chief Neal Tyler.

On October 21, 2003, Sergeant William Looney completed his investigation and presented the facts of the case to Deputy District Attorney Linda Sue Reisz, of the Justice System Integrity Division, Los Angeles County District Attorney's Office, for filing consideration.

On December 23, 2003, Deputy District Attorney Reisz declined to file charges against Subjects John Arreola and Angela Gonzalez, citing, " insufficient evidence exists upon which to base criminal charges against Deputies Arreola and Gonzalez." Reisz added, "Further, a jury could find that the deputies inadvertently misstated the facts in the reports, rather than intentionally drafting a false report."

IAB Note: To review a copy of the District Attorney's memorandum of case rejection, refer to Exhibit #A of the case file.

On January 29, 2004, Chief Neal Tyler requested an administrative investigation be conducted on the allegations made against Subjects Arreola and Gonzalez. Sergeant Larry Landreth was assigned to investigate the allegations.

Interviews of witnesses were conducted by Sergeant William Looney during the course of the criminal investigation. The interviews were recorded on tape and supplemental reports were completed to document those interviews. Below are the summarized statements made by the witnesses for review.

PRIMARY WITNESSES

WITNESS - DEPUTY [redacted] was interviewed by Sergeants William Looney and Marcus Hershey on August 13, 2003. The interview took place at Cresenta Valley Station and was audio tape recorded.

Deputy [redacted] said he was assigned to Cresenta Valley Station as a [redacted] to Subject Arreola for approximately 3 ½ months. He said this was Subject Arreola's [redacted]

On July 11, 2003, Deputy [redacted] was not at work because he had been assigned to attend [redacted] He took off Saturday, July 12th and went on his regular scheduled days off on Sunday and Monday. [redacted] said while off, Subject Arreola worked a double shift, starting on Friday at [redacted] hours and ending on Saturday at [redacted] hours.

When [redacted] returned to work on Tuesday, July 15, 2003, he discussed with Subject Arreola his activity while he was on [redacted] Deputy [redacted] asked Arreola about the arrest for methamphetamine he and Subject Gonzalez made and he told [redacted] of the arrest. Later, Arreola told [redacted] he was uncomfortable with something that happened related to the arrest. After some prying, Deputy [redacted] learned Arreola was uncomfortable about the documentation of the arrest.

At the end of their shift, Deputy [redacted] obtained a copy of the arrest report and reviewed it with Subject Arreola. Arreola said he had an "issue" with a statement made by the suspect, [redacted] and the recovery of evidence.

On Tuesday, July 15, 2003, both Deputy [redacted] and Subject Arreola attended [redacted] and after going

home for the day, [redacted] read the entire report and telephoned Subject Arreola at home to discuss the report. Deputy [redacted] pressed Arreola to tell him what exactly bothered him about the report. Arreola talked specifically about a statement attributed to suspect [redacted] that he wrote in the report. The statement was that Suspect [redacted] told him he was on [redacted] and that he admitted to possession of a small amount of marijuana. Arreola said [redacted] did not make those statements to him.

IAB Note: refer to Exhibit # B, page 5, paragraph 2 of the arrest report authored by Subject Arreola.

Deputy [redacted] told Sergeant Looney that he specifically did not ask if that statement attributed to [redacted] could have been made to Subject Gonzalez, out of hearing range of Arreola, during the detention, nor, did he asked if Gonzalez had any conversation with [redacted] away from Arreola.

Subject Arreola told [redacted] that when he searched Suspect [redacted] for weapons, he found the glass pipe, however, he did not locate the paper bindle of marijuana in the suspect's coin pants pocket. Subject Arreola told [redacted] that Subject Gonzalez discovered the marijuana after the suspect was handcuffed, however he wrote in the arrest report that he found it.

IAB Note: refer to Exhibit #B, page 6, paragraph 1 of the arrest report authored by Subject Arreola.

Subject Arreola told Deputy [redacted] that while at the station, he wrote an initial Probable Cause declaration and Arrest review(PCD), detailing the probable cause for the detention and arrest. This PCD was not approved and Subject Gonzalez was directed by the watch commander to write another one. Arreola told [redacted] that Subject Gonzalez "dictated" the contents of the arrest report to him. Deputy [redacted] told Sergeant Looney that he believed the original PCD was destroyed and not retained. Arreola told [redacted] that the original PCD reflected that Subject Gonzalez found the marijuana on Suspect [redacted]. He did not remember about the [redacted] comment.

Deputy [redacted] said he told Arreola if he wrote something in the report that was not correct, accurate or true, then why did he not say something to Subject Gonzalez about it. Arreola told [redacted] that he was on [redacted] and did not feel he could say anything and did not know what he should do. Deputy [redacted] said he told Arreola that if he believed the report to be false, he had to notify a lieutenant. Deputy [redacted] said he telephoned Lieutenant Silva on July 16, 2003, and told him of the concerns and what Arreola reported to him.

Deputy [redacted] told Sergeant Looney that he normally did not "dictate" reports to Arreola, only smaller sections of reports, he wants to be certain are "clear." Deputy [redacted] said he did set up outlines for Arreola's reports and did discuss problematic areas, but he did not dictate entire reports to Arreola. [redacted] said that he had a good rapport with Arreola and he will not hesitate to ask questions about incidents to factually document them in chronological order. Deputy [redacted] did say that he felt Arreola may be reluctant to question another deputy, given the same

set of circumstances, due to a lack of confidence in patrol procedures.

Deputy [redacted] told Sergeant Looney that he learned there were two other deputies that assisted Arreola and Gonzalez with the detention on Angelus Crest Highway. Those deputies were Scott Shinagawa and Rosalina Harris.

Deputy [redacted] was again interviewed on May 3, 2004, by this investigator at the Cresenta Valley Station. The interview took place in the Watch Commander's office and was tape recorded for possible later review.

Witness [redacted] furnished basically the same information as told to Sergeant Looney, with the following additions and clarifications:

Witness [redacted] said that when he returned to work on July 15, 2003, he found the copies of the Deputy Daily Worksheets(DDWS) in his mailbox. He instructed Subject Arreola to make copies of the DDWS from each shift worked and give them to him. He reviewed the worksheet and saw that Arreola made an arrest for methamphetamine possession while [redacted] was off. It was because of the DDWS entry that he asked Arreola about the arrest. After some prodding, he discovered that Arreola was uncomfortable about the incident.

Deputy [redacted] said he believed from his conversations that Arreola knew, when he was writing, that it was not an accurate account of what occurred.

[redacted] said he and Subject Arreola had made narcotics possession arrests while on [redacted] He said Arreola was exposed to searching, finding narcotics concealed on a person and documenting the facts in a report. [redacted] said given the exposure that Arreola had, he did not believe that the situation was too complex and that Arreola would be able to document the incident, with some assistance.

[redacted] said that he has had some occasions to work with Subject Arreola on extended shifts and late hours. He said Arreola has worked past the [redacted]. end of their shift on report writing and Arreola did not seem to be too fatigued to act or think clearly. He said he only heard Arreola mildly complain on how tired he was, but it did not seem to affect his judgement.

[redacted] said Subject Arreola was in his [redacted] He had some areas of [redacted] Arreola and [redacted] discussed his [redacted] status and [redacted] was confident Arreola did not believe he was [redacted]

[redacted] said he believed Arreola came to him with his concerns related to the documentation in the report because they had numerous discussions about how important it was to be specific as to what each deputy saw, heard or did. The importance of this was so there would be no question for courtroom testimony. Arreola told [redacted] he was very concerned that if he were to testify in court on the arrest, he would not be able to do so. He often asked questions of [redacted] if he was not clear on something.

WITNESS - LIEUTENANT SAM SILVA prepared a memorandum on July 16, 2003, directed to Captain William Martin relating he received a telephone call from Deputy [redacted] told Silva that his [redacted] Subject Arreola, related to him when he was assigned to work with Subject Gonzalez on July 11, 2003, they made an arrest for possession of methamphetamine. Arreola told [redacted] he was uncomfortable with facts he wrote in the arrest report. Arreola told [redacted] he was especially concerned about a statement he reported as being said to him by the suspect. Arreola related to [redacted] that the reported statement was documented in his report and the Probable Cause Declaration written by Subject Gonzalez. He also told [redacted] that he was uncomfortable about details related to the recovery of evidence as documented in the report.

Lieutenant Silva said he asked Deputy [redacted] if Arreola told him that Subject Gonzalez asked him to deliberately lie in the report. Arreola told [redacted] that did not occur, only that she dictated the report to him and he wrote what she told him to write. [redacted] told Lieutenant Silva that Arreola said he believed what he wrote was not right and he was in an ethical dilemma over the situation. He told [redacted] that he was a [redacted] and was doing what he was told to do.

Lieutenant Silva asked Deputy [redacted] to contact Arreola and have him call Silva. Lieutenant Silva telephoned Captain Martin, Cresenta Valley Station Commander, reporting his conversation with Deputy [redacted]

Later, Subject Arreola telephoned Lieutenant Silva and informed him he had retained an attorney from his union and would not make a statement, under the advisement of his attorney.

> **IAB Note: On July 16, 2003,Lieutenant Sam Silva prepared a memorandum to Captain Martin documenting his conversation with Deputy [redacted] and Subject Arreola. For details, refer to the memorandum, exhibit #C, pages 36 through 38, of Sergeant Looney's case file .**

Lieutenant Silva secured all of the reports and inspected the evidence placed into the evidence room by Subject Arreola.

On July 17, 2003, Lieutenant Silva received a telephone call from Mr. Jay Trinnaman, an attorney representing Subject Arreola. Mr. Trinnaman informed Silva that Arreola would not make a statement and exercise his constitutional right to remain silent.

Lieutenant Silva directed Sergeants Avila and Noennick to write memorandums regarding their involvement in the approval of the arrest, Probable Cause Declaration, and arrest report.

> **IAB Note: Both Sergeant Carlos Avila and Sergeant James Noennick prepared memorandums at Lieutenant Silva's direction. To refer to their memorandums, see exhibit #E, pages 42 through 43, and Exhibit # F, pages 45 and 45, of Sergeant Looney's case file .**

Lieutenant Silva and Sergeant Alton Green made an attempt to speak to the Suspect [redacted] who was out of custody, at his listed place of residence, in the city of [redacted] The suspect was not at the location.

IAB Note: On July 17, 2003, Lieutenant Silva prepared a memorandum to Captain Ralph Martin. To refer to the memo, see exhibit #D, pages 39 through 41, of Sergeant Looney's case file.

WITNESS - [redacted] was interviewed on October 6, 2003 at 1607 hours, by Sergeant Ron Schram and Sergeant William Looney, Internal Criminal Investigations Bureau. The interview was conducted in the briefing room of Men's Central Jail and was audio tape recorded. The following is a synopsis of the interview.

Mr. [redacted] told Sergeants Looney and Schram that on the night in question he and his friends [redacted] were at a turnout of Angeles Crest Highway. He was sitting in the front passenger seat of Ms. [redacted] van. [redacted] was sitting in the driver's seat, while [redacted] and "[redacted]" [redacted] were seated in the back seat. Ms. [redacted] was standing just outside the van adjacent to the front passenger door, talking with the occupants of the van. Mr. [redacted] said that after arriving he was smoking methamphetamine but stopped prior to being contacted by deputies. There was also beer and marijuana in the van ready to be consumed. He told them he was drinking beer earlier that morning but did not continue drinking. Mr. [redacted] said that while sitting in the van his attention was drawn to deputies who arrived and illuminated the van. When he noticed the deputies he immediately got out of the van and walked away, attempting to distance himself from the methamphetamine inside.

Mr. [redacted] was ordered by the deputies to put his hands on top of his head. A male Hispanic deputy (Deputy John Arreola) approached the van on the passenger side and a female Hispanic deputy (Deputy Angela Gonzalez) wearing glasses, approached the van on the driver's side. Mr. [redacted] was then searched by a male Hispanic deputy. During the search the deputy found a long cylindrical piece of glass in Mr. [redacted] pants pocket. Mr. [redacted] explained the glass was obtained from a restaurant and was initially a light-conductor for a flower and not a pipe used to smoke methamphetamine. After the search, Mr. [redacted] were handcuffed and placed in the back seat of a radio car.

Mr. [redacted] identified Deputy Arreola and Deputy Gonzalez to Sergeant Looney as the initial deputies that contacted him. He believed they were working together and that they were the deputies that subsequently transported him to Crescenta Valley Sheriff Station.

Deputy Arreola conducted the search "patdown" of Mr. [redacted] then checked department resources to ascertain if Mr. [redacted] had any outstanding warrants for his arrest. Mr. [redacted] said he was informed he had two warrants for his arrest. During the time Mr. [redacted] was being checked for warrants a female deputy, that wears glasses(Subject Gonzalez), was searching the van.

After the check for arrest warrants Mr.[redacted] was removed from the radio car. The female deputy that earlier had searched the van (Deputy Angela Gonzalez) removed Mr.[redacted] from the radio car and searched him. During the search the female deputy removed some marijuana from Mr.[redacted] pants (coin) pocket. Mr. [redacted] said he heard the female deputy tell her partner she found the marijuana while searching [redacted] and asked him why he missed it. After finding the marijuana the female deputy held it up and the male deputy asked her where she found it. The female deputy said she found the marijuana in Mr.[redacted] pocket and said he did not "search him right."

> **IAB Note: Sergeant Looney's investigation revealed Subject Angela Gonzalez authored a Probable Cause Declaration (PCD) stating that Deputy Arreola found marijuana on [redacted]. Due to these facts, Sergeant Looney contacted Captain Martin and requested Gonzalez included as a suspect in his investigation.**

SUBJECT INTERVIEWS

SUBJECT - JOHN ARREOLA was interviewed on April , 2004, at hours. The interview was conducted at the Internal Affairs Bureau. The interview was digitally recorded and a summarized copy is provided for review.

SUBJECT - ANGELA GONZALEZ was interviewed on March 26 , 2004, at hours. The interview was conducted at the Internal Affairs Bureau. The interview was digitally recorded and a summarized copy is provided for review.

> **IAB Note: Refer to verbatim transcriptions of the subject interviews included in this case.**

SECONDARY WITNESSES

WITNESS - DEPUTY ROSALINA HARRIS, #[redacted] was interviewed by Sergeants Looney and Schram on September 2, 2003 at Cresenta Valley Station as part of the criminal investigation. The interview was audio recorded and summarized below.

Deputy Harris said she was on [redacted] Deputy Scott Shinagawa on July 12, 2003, when they received a "back up" request from Subjects Arreola and Gonzalez at the Angelus Crest Highway Turnout #2. When they arrived, Subjects Arreola and Gonzalez were on scene, along with Deputy [redacted] unit # 121T1. Deputy Harris placed two of the detainees in [redacted] patrol car to conduct a check for outstanding warrants. She believed there were two more detainees in Shinagawa's vehicle.

While checking on her two detainees status, Subject Arreola approached her and spoke to the female detainee[redacted] in her car. Arreola questioned [redacted] about some "dope" and a simulated gun found in her Dodge van. [redacted] told Arreola that she would tell him who all of the "stuff" belonged to because she did not want go to jail for something that was not hers. Subject Arreola removed [redacted] from the back seat and walked to the rear of the patrol car. [redacted]

indicated that the methamphetamine belonged to [redacted] and the simulated weapon belonged to another male (unknown). Miranda indicated the "weed" (Marijuana) belonged to the juvenile. [redacted] was placed back in her vehicle and Arreola walked away.

Harris said she and Shinagawa received a priority call and left the location to handle it. When they returned, Harris said she overhead a conversation between Subject Gonzalez and Deputy Shinagawa. Harris said she overheard Gonzalez say, "I can't believe he missed the dope". She did not hear anything else between the two deputies. Harris said she believed Gonzalez was talking about Subject Arreola missing narcotics during a search of one of the detainees.
Deputy Harris said that she and Deputy Shinagawa transported the juvenile detainee, [redacted] to Cresenta Valley Station to allow him to call a parent to pick him up.

Deputy Harris showed Sergeant Looney her note book entry for July 12, 2003. The names and dates of birth for the two detainees, [redacted] were written in her notebook. She told Looney she checked on their warrant status at the time of detention. Sergeant Looney photocopied the page and retained the photocopy for his investigation.

Deputy Harris told Sergeant Looney she had not worked with Subject Arreola but, she had worked with Subject Gonzalez sometime toward the end of her first month of [redacted] Deputy Harris said during that time, Subject Gonzalez wrote most of the reports they received. At times, Subject Gonzalez would dictate verbatim the entire report to Harris. Some of the reports, Gonzalez would tell Harris that she may "want to put this or that in", indicating verbiage to make a report sound clearer. Deputy Harris said Gonzalez never had her put something in a report that was untrue or not correct.

WITNESS-DEPUTY [redacted] was interviewed by Sergeants Looney and Schram on September 5, 2003 at Cresenta Valley Station as part of the criminal investigation. The interview was audio recorded and summarized below.

Deputy [redacted] said he responded to Turnout # 2 off of the Angeles Crest Highway in response to a back-up request from Subjects Gonzalez and Arreola. When he arrived, he saw that they had six to eight people detained from a van parked in the turnout. [redacted] placed some of the detainees in the back seat of his car and assisted Gonzalez in watching the remaining people while Gonzalez searched the van. After Gonzalez searched the van, she asked [redacted] to search it again to see if she missed anything inside. While searching the van, Subject Arreola told [redacted] he had already searched the van and that he did not need to continue with the search.

[redacted] said that soon after he arrived, Deputies Shinagawa, Harris and Jose Bueno arrived on scene. He said both Shinagawa and Harris had to leave because they were dispatched to a priority call.

Deputy [redacted] said his only conversation with Subject Gonzalez was about what she said she saw "the [redacted] do." Gonzalez told [redacted] that when she first came upon the van, she saw only one person in the van, he was the "[redacted]" Gonzalez said she "saw him reach under the seat and stash something."

WITNESS - DEPUTY SCOTT SHINAGAWA, # [redacted] was interviewed by Sergeants Looney and Schram on September 5, 2003 at Cresenta Valley Station as part of the criminal investigation. The interview was audio recorded and summarized below.

Deputy Shinagawa said he and Deputy Rosalina Harris over heard a back-up request from Subjects Gonzalez and Arreola at Turnout #2 of the Angeles Crest Highway. When they arrived, they assisted Gonzalez and Arreola in detaining several subjects. When they arrived, there were several males standing in front of Gonzalez's and Arreola's radio car. Some of the detainees were placed in the back seats of patrol cars and checked for warrants.

Deputy Shinagawa said he assisted Deputy [redacted] in searching the van and remembered Subject Arreola telling them that he had already search it and they did not have to continue.

Deputies Shinagawa, Harris and Bueno left to handle a priority radio call and left Deputy [redacted] to assist Subjects Gonzalez and Arreola. After handling the call they returned to assist Gonzalez and Arreola.

Deputy Shinagawa said that Deputy Gonzalez told him that Arreola "missed the dope" and she found the narcotics after moving the suspect from one vehicle to another. Deputy Shinagawa said although he knew narcotics had been found, he did not know where. He believed Gonzalez was talking about Subject Arreola not doing a complete search of the detainee prior to placing him in the radio car. Shinagawa said he never saw the narcotics found during the investigation.

WITNESS - DEPUTY JOSE BUENO, # [redacted] was interviewed by Sergeants Looney and Schram on September 9, 2003 at Cresenta Valley Station as part of the criminal investigation. The interview was audio recorded and summarized below.

Deputy Bueno said he responded to the turnout on Angeles Crest Highway in response to a back-up request made by Subjects Gonzalez and Arreola. On the way, he received another call and handled it prior to arriving at Gonzalez' location. He said that when he arrived, Gonzalez was finished with most of her investigation. He did not have any contact with the detainees, nor did he speak with Gonzalez about what had occurred.

WITNESS - SERGEANT JAMES NOENNICK was interviewed on April 22, 2004. The interview took place in a conference room of Cresenta Valley Station. The interview was digitally recorded for later review.

Witness Noennick acknowledged that on July 18, 2003, he prepared a memorandum to Lieutenant Sam Silva, at his direction, documenting the report review and approval related to the arrest made by Subjects Gonzalez and Arreola. He was given a copy of the memorandum to review for the interview.

> **IAB Note: To review a copy of the memorandum prepared by Witness Noennick, refer to Exhibit D, page 42 and 43 of Sergeant Looney's case file.**

Witness Noennick said he was the day shift Watch Sergeant / Watch Commander on July 12, 2003, when he started his shift at [redacted] hours, he was advised by the Early morning Watch Commander, Sergeant Carlos Avila, that both Subject Gonzalez and Subject Arreola were completing an arrest and booking for a possession of methamphetamine. Sergeant Noennick sent Arreola home because he had worked past the allowed nineteen consecutive hours set forth in Department policy. He directed Subject Gonzalez to complete the process and report because she was not working past the allotted nineteen hours.

Sergeant Noennick reviewed the report and discovered some issues he had with the report as written. He spoke to Subject Gonzalez about his concerns with the report. He told Gonzalez that it was necessary to document clearly in the report the actions taken by who, why they were taken and what happened because either she or Subject Arreola could be called years later to testify to what occurred. He said he told Subject Gonzalez specifically that it was important to document who arrested the person and who found which items. He also discussed that it was important to document what Deputy Arreola's thought process was when he felt certain items on the suspect's person.

Witness Noennick said he directed Subject Gonzalez to make some corrections on the report. He said she made a correction on page 5 of 10, 4th paragraph, where it was not clear what Subject Arreola was thinking when he found an object in the suspect's pant pocket. He said she changed the first sentence of the paragraph to read, "I felt a bulge in his left front pocket which was consistent with a possible weapon, or drug paraphernalia." He observed two other changes on the report where he believed Subject Gonzalez made changes. He said he did not remember if the other changes she made on the report were due to his specific concerns or that she reviewed the report after their discussion and she made the changes.

Sergeant Noennick said that the changes in the report were made by Subject Gonzalez prior to her going home and he reviewed the report and signed it. Sergeant Noennick said he did not notice that Subject Gonzalez appeared to be overly fatigued. She did not make any statements to him that she was too tired to make the corrections. She seemed only to exhibit a normal fatigue associated with being awake all night.

WITNESS - SERGEANT CARLOS AVILA was interviewed on May 3, 2004, at Cresenta Valley Station. The interview was tape recorded for later review.

> **IAB Note: prior to the interview, Witness Avila reviewed a copy of the memorandum he prepared documenting the approval of the arrest by Subjects Arreola and Gonzalez, at the direction of Lieutenant Sam Silva. To refer to Avila's memo see Exhibit #D, page 44.**

Witness Avila was the early morning Watch Commander on July 12, 2003. He said that Subject Arreola verbally discussed the arrest with Witness Avila. Arreola explained the probable cause for the detention, possible gang members in possession of alcoholic beverages, the search and location of the marijuana in the suspect's pants pocket by Arreola. He explained the subsequent arrest of

Suspect [redacted]

Subject Arreola prepared a Probable Cause Declaration and presented it to Avila for approval. Avila did not believe that Subject Gonzalez was present with Arreola when he discussed the arrest facts. Witness Avila reviewed the PCD and found numerous problems contained in the PCD. He said there were grammatical errors, problems with chronology and did not read smoothly. Avila told Arreola to make the corrections and return the PCD to him. Deputy Gonzalez wrote another PCD and it was turned in to him for approval. Sergeant Avila did not remember if Subject Arreola told him if Suspect [redacted] made any comments concerning being on [redacted]

IAB Note: Sergeant Avila wrote in the memorandum that when Subject Arreola initially told him of the arrest, Arreola reported that he found the marijuana on Suspect [redacted]. Refer to Witness Avila's memorandum, Exhibit D, page 44.

WITNESS - [redacted] was interviewed on 09-17-2003 at 1349 hours, by Sergeant Schram and Sergeant Looney. The interview was conducted in the driveway of a residence and was audio tape recorded. The following is a synopsis of the interview.

Mr. [redacted] told Sergeants Looney and Schram that the night in question he was with [redacted] and three other friends. Together they drove to the turnout in her van. He said he was "kicking it" outside the van when they were detained by a female deputy and two male deputies. Mr. [redacted] said he was searched, but did not remember who searched him. He was searched and placed in a radio car until he was released to go home. Mr. [redacted] did not remember much of what happened that night. He did not see any narcotic contraband while there and did not see any of his friends searched.

WITNESS - [redacted] was interviewed on 09-18-2003 at 0724 hours, by Sergeants Looney and Schram. The interview was conducted in their vehicle, in front of his home. It was audio tape recorded and following is a synopsis of the interview.

Mr. [redacted] admitted to being an active "Latin Kings" gang member with a moniker of "[redacted]." He said he has not been involved in any gang activity lately because he has a "little daughter." On the night in question [redacted] took her van to his house and picked up him and his [redacted]

Mr. [redacted] told them that he was sitting in the van with "[redacted]" Everyone else was "kicking it" outside the van. Along with [redacted] Mr. [redacted] remembered [redacted] being there. He was sitting in the driver's seat and [redacted] was sitting in the front passenger's seat of the van. While sitting there they were approached by deputies. The deputies had their flashlights on and a female deputy approached him on his side of the vehicle. He was ordered out of the vehicle. He exited the vehicle, was searched by the female deputy and placed inside a radio car. Mr. [redacted] said [redacted] was searched also and he believed the person that executed the search was a female deputy.
Mr. [redacted] said he was in a radio car with [redacted] He believed he was checked by the deputies to

determine if he had any outstanding arrest warrants. Mr. [redacted] said he had no warrants and only [redacted] and [redacted] were arrested. Mr. [redacted] did not see any contraband found. He was aware that a BB gun was found inside the van. He also knew of a "pipe" being discovered, but had no knowledge of either methamphetamine or marijuana confiscated by the deputies that night.

WITNESS - [redacted] was interviewed on 09-18-2003 at 0724 hours, by Sergeants Looney and Schram. The interview was conducted on the patio of his home. It was audio tape recorded and following is a synopsis of the interview.

Mr. [redacted] told Sergeants Looney and Schram that on the night in question he met [redacted] at "[redacted]' house. Together they went to the turnout. Mr. [redacted] told them he was with his "[redacted]" They were at the turnout "kicking it, when the cops came." Mr. [redacted] said he was standing by some rocks, outside the van when deputies arrived. Mr. [redacted] remembered the deputies were two males and a female. When the deputies arrived, Mr. [redacted] was told to put his hands on his head. Mr. [redacted] was then searched by a male deputy. Mr. [redacted] did not know which deputy searched [redacted] or his other friends. Mr. [redacted] told us the female deputy searched [redacted]

Mr. [redacted] said that after he was searched he was placed inside a radio car. While in the radio car he saw two male deputies searching the van and the female deputy stayed in a separate radio car with in a separate radio car with "[redacted]" Mr. [redacted] said no one was arrested that night and everyone went home in the van.

WITNESS - [redacted] was interviewed on 09-23-2003 at 1503 hours, by Sergeant Looney. The interview was conducted at her home and audio tape recorded. The following is a synopsis of the interview.

Ms. [redacted] told him that on the night in question she drove her van to the turnout on Angeles Crest Highway. With her in the van was "[redacted]" They arrived at the turnout at approximately 11:00 or 11:30 p.m. Ms. [redacted] told Sergeant Looney that at the turnout there were three people inside the van. She was outside the van next to the front passenger window. The rest of the people there were "on the rocks."

Ms. [redacted] remembered four deputies arriving at the turnout. Ms. [redacted] recollection was they were all male deputies and they arrived in a Tahoe and a regular radio car. Ms. [redacted] was told to wait by the van until a female deputy arrived to search her. The occupants of the van were then removed and searched.

Ms. [redacted] said she was approximately six feet from [redacted] when he was removed from the van and searched. Ms. [redacted] said [redacted] was seated in the front passenger seat and "[redacted]" and [redacted] were in the back seat. She remembered the deputy that approached her was male. She said, "I know he kinda looked Hispanic, had like, um he was about 5'7" um, he had like his hair

back, he was like not too dark skinned, he was young." She said there were other deputies at the rear of the van. The deputies ordered everyone to put their hands up and move away from the vehicle. The occupants of the van were then told to come out of the van with their "hands up." Ms. [redacted] stayed close to the front of the van while the occupants were searched.

Ms. [redacted] said she believed there was marijuana found on [redacted] when he was searched after getting out of the van. Ms. [redacted] never actually saw marijuana taken from [redacted] all she saw was the searching deputy remove an object from [redacted] right front pants pocket. Ms. [redacted] saw the deputy search [redacted] remove the object from his right front pants pocket and say, "Is this yours?" Ms. [redacted] also heard [redacted] say "yes" to this question.

Ms. [redacted] told me she believed deputies found narcotic contraband and a BB gun in her vehicle. Ms. [redacted] told me the BB gun belonged to "[redacted]" and the narcotics were [redacted] Ms [redacted] said she was speaking with a female deputy when a male deputy told her narcotics were found in the van. She told the deputy that the items did not belong to her and it was probably the property of the individuals that were sitting in the van.

Ms. [redacted] told Looney she saw [redacted] searched twice. Initially when he came out of the van and then once more later in the investigation. Ms. [redacted] said her belief was that both searches of [redacted] were done by a male deputy. She did say that the second time [redacted] was searched there was a female deputy next to the searching deputy. Ms. [redacted] described both deputies that searched [redacted] as Hispanic, but could not add much more in the way of a description.

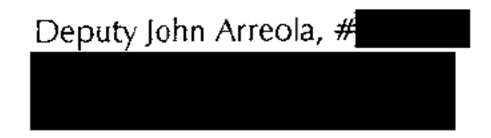


County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

August 26, 2004

Deputy John Arreola, #[redacted]

[redacted]

Deputy Arreola:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective at the close of business on September 17, 2004.

An investigation under File Number IAB 2093872, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/040.70, False Statements and/or 3-01/050.10, Performance to Standards, on or about July 12, 2003, you knowingly and/or willingly made false statements to the A/Watch Commander, Carlos Avila, including but not limited to:

   a) Suspect [redacted] told you there was marijuana in his pant pocket.

   b) you recovered the marijuana from another pocket.

2. That in violation of Manual of Policy and Procedures Sections 3-01/040.70, False Statements and/or 3-01/050.10, Performance to Standards, on or about July 12, 2003, you knowingly and/or willingly made false statements in a Los Angeles County Sheriff's Department Incident Report, U.R.N. 403-01688-1257-184. The false information includes, but is not limited to:

a) you retrieved a small paper bindle containing a green leafy substance resembling marijuana in his [the suspect's] right front pant coin pocket.

b) you contacted the right front passenger who told you that he was on probation and had a small personal stash of marijuana in his pocket.

3. That in violation of Manual of Policy and Procedures Sections 3-01/100.35, False Information in Records and/or 3-01/050.10, Performance to Standards, on or about July 12, 2003, you made a false official record when you knowingly and/or willingly wrote false information in a Department report, Los Angeles County Sheriff's Department Incident Report, U.R.N. 403-1688-1257-184. The false information includes, but is not limited to:

a) you retrieved a small paper bindle containing a green leafy substance resembling marijuana in his [the suspect's] right front pant coin pocket.

b) you contacted the right front passenger who told you that he was on probation and had a small personal stash of marijuana in his pocket.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Neal Tyler on September 13, 2004, at 1300 hours, in his office, which is located at Sheriff's Headquarters Building, 4700 Ramona Boulevard, Monterey Park, on the 4th Floor. If you are unable to appear at the scheduled time and wish to schedule some other time prior to September 13, 2004, for your oral response, please call Chief Tyler's secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Tyler's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Tyler's office by no later than September 13, 2004.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15)

business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Eric B. Smith

Eric B. Smith, Captain
Commander, Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

EBS:lh

c: Advocacy Unit
Employee Relations Unit
Chief Neal Tyler, FORI
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # 2093872)

LOS ANGELES COUNTY DISTRICT ATTORNEY **CHARGE EVALUATION WORKSHEET**	☐ Further investigation requested. ☐ Probation Violation in lieu of filed. ☒ Prosecution declined.	DA CASE NO. 23846432	 Date: December 23, 2003
		POLICE CASE NO. (DR OR URN NO.) 403-00063-2003-325	DA OFFICE CODE J.S.I.D. 03-0815R

SUSPECT DATA

NO.	SUSPECT NAME	BKNG NO.	CHARGE	REASON
01	ARREOLA, JOHN	N.I.C.	PC118.1	B - Insufficient evidence
02	GONZALEZ, ANGELA	N.I.C.	PC118.1	B - Insufficient evidence

DESCRIPTION
SEE ATTACHED.

STEVE COOLEY District Attorney	COMPLAINT DEPUTY (PRINT) LINDA SUE REISZ/smm	DEPUTY CODE 106260	COMPLAINT DEPUTY (SIGNATURE) Linda Reisz	REVIEWING DEPUTY [signature]

In submitting this matter for consideration of a complaint, written reports of substantially all available evidence (except as to the oral information, if any, purporting to have been given by me and which is fully and correctly stated above) have been submitted to the above-named Deputy (copies of which are attached hereto) except the following:

The disposition of this matter will be final unless the commanding officer requests reconsideration of the case, stating his reasons on the back of this form.

MAILED 01/07/04
OFFICER - SGT. WILLIAM LOONEY
L.A.S.D. I.C.I.B.

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of allegations that Los Angeles County Sheriff's Deputies John Arreola [redacted] and Angela Gonzalez [redacted] filed a false police report, a violation of Penal Code Section 118.1. For the reasons set forth below, this office declines to initiate criminal proceedings in this matter.

FACTUAL ANALYSIS

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department submitted to this office on October 21, 2003 by Sergeant William Looney, Internal Criminal Investigations Bureau. We have not considered any administratively compelled statements Deputies Arreola and Gonzalez may have made.

On July 12, 2003, Deputies Arreola and Gonzalez were assigned to the Crescenta Valley Sheriff's Station. Deputy Gonzalez, a [redacted] had been assigned to work with Deputy Arreola on only one prior occasion. While conducting a routine check of a turnout on Angeles Crest Highway, the deputies observed several individuals seated inside a parked van. Three other men, apparently gang members, walked away from the van when the deputies arrived, carrying glass beer bottles. When the deputies approached the van, they could smell the odor of marijuana. The deputies requested that the men step out of the van. According to the ten-page narrative portion of the police report and the three-page Probable Cause Declaration, suspect [redacted] stated to Deputy Arreola that he was on probation and had a small personal stash of marijuana in his pocket. According to these reports, Deputy Arreola conducted an initial search of [redacted] and recovered two glass smoking pipes in [redacted] left front pant pocket. [redacted] was placed in the patrol car during a warrant check which disclosed two outstanding felony warrants. The police report authored by Deputy Arreola states that, during a search of [redacted] incident to his arrest, "I… retrieved a small paper bindle containing a green leafy substance resembling marijuana in his right front pant coin pocket." When assisting deputies arrived, an additional search of the van netted another pipe, as well as baggies of methamphetamine and marijuana.

Deputy [redacted] told investigators that he had served as Deputy Arreola's [redacted] for approximately three months. [redacted] Deputy Arreola had previously been assigned to [redacted] Deputy [redacted] added that Deputy Arreola's [redacted] has corrected Deputy Arreola's reports. Deputy Arreola stated to Deputy [redacted] that he had written a Probable Cause Declaration (PCD) which was not approved and a sergeant had told Deputy Gonzalez to write another PCD. After completing the PCD, Deputy Gonzalez "dictated" the ten-page narrative contained in the police report which Deputy Arreola wrote. Deputy Arreola explained that the report he had written was inaccurate in stating that the suspect told him that he was on probation and had marijuana in his pocket. Deputy [redacted]id not ask whether the suspect could have made the statement to Deputy

Gonzalez. Additionally, Deputy Arreola stated that, contrary to the statement in the police report that he had recovered the marijuana, he had "missed" the marijuana in the suspect's coin pocket and Deputy Gonzalez found the marijuana after the suspect was handcuffed. Deputy Arreola also told Deputy [redacted] that he had been tired when he wrote the report because he had worked a double shift and then four additional hours. Deputy [redacted] believed that Deputy Arreola did not question Deputy Gonzalez as she dictated the report because Deputy Arreola lacked the confidence to do so.

According to Sergeant James Noennick, he directed Deputy Arreola to go home on July 12, 2003, because he had worked hours beyond his double shift and was in his twentieth hour of work, in violation of Department policy.

Deputies [redacted] and [redacted] were called to assist Deputies Arreola and Gonzalez. During the arrests, Deputy Gonzalez stated, "I can't believe he missed the dope." Deputy [redacted] added that she had previously worked with Deputy Gonzalez and that Deputy Gonzalez, when correcting or dictating a report, had never told her to make a false or inaccurate statement in a report.

Investigators interviewed many of the arrestees whose descriptions of the arrests matched the reports in most details. However, Alfredo Chavez stated to investigators that Deputy Arreola had recovered the cylindrical piece of glass in his pocket and that Deputy Gonzalez had recovered the marijuana from his pants pocket after a warrants check revealed that he had two outstanding warrants for his arrest.

According to Sergeant Carlos Avila, the Acting Watch Commander, Deputy Arreola came to his office by himself to explain the arrest and to deliver the original PCD. Deputy Arreola stated that the suspect told him that there was marijuana in his pants pocket and, when he searched the suspect, he recovered narcotic paraphernalia and marijuana. Sergeant Avila reviewed the PCD and found it "somewhat illegible" and to contain excessive details in some respects and insufficient detail in other respects. Sergeant Avila then spoke to both deputies, and Deputy Gonzalez stated that it would be easier to rewrite a new PCD since the erasures would render the PCD even more illegible. The PCD, executed under penalty of perjury by Deputy Gonzalez, states that "Deputy Arreola found two glass pipes commonly used to ingest narcotics in his left front pant pocket" and "a small paper bindle containing a green leafy substance resembling marijuana in his right front pant coin pocket." Sergeant Avila approved the second PCD.

CONCLUSION

Penal Code Section 118.1 states that "every peace officer who files any report with the agency which employs him or her regarding the commission of any crime or any investigation of any crime, if he or she knowingly and intentionally makes any statement regarding any material matter in the report which the officer knows to be false…is guilty of filing a false report…." Materiality is an essential element of the crime of perjury and

must be determined by the jury. People v. Hedgecock (1990) 51 Cal.3d 395. Materiality depends upon "whether the false statements concern a subject [which] could reasonably influence the outcome of the proceedings." Id. at 405.

Insufficient evidence exists upon which to base criminal charges against Deputies Arreola and Gonzalez. The police report and PCD misstate the identity of the deputy who actually recovered a small amount of marijuana from Chavez' coin pocket, while, in all other respects, appear to accurately describe the detention, search and arrest by the deputies. The search appears to be legal, whoever may have recovered the contraband. A jury could reasonably conclude that, since the marijuana was not "planted" and was legally recovered, the identity of the deputy would not be material.

Further, a jury could find that the deputies inadvertently misstated the facts in the reports, rather than intentionally drafting a false report. The deputies wrote the reports after working long overtime hours, possibly leading to the conclusion that their fatigue was responsible for the inaccuracies. Further, Deputy Arreola never called Deputy Gonzalez' attention to her inaccurate statement. It is possible that Deputy Arreola heard Deputy Gonzalez dictate the words "I retrieved a small paper bindle," misinterpreted the pronoun "I" and believed it referred to himself. Finally, there is no evidence of Deputy Gonzalez' state of alertness as she re-copied the PCD written by Deputy Arreola and, in the absence of any evidence, a jury could conclude that she was tired and simply did not pay attention to the words she re-copied.

Thus, while Deputy Arreola's professionalism and integrity may legitimately be questioned, there is insufficient evidence upon which to initiate criminal proceedings against him. There is similarly insufficient evidence upon which to base a criminal filing against Deputy Gonzalez. We are closing our file and will take no further action in this matter.

In the termination of	)	
	)	
John Arreola, Employee No. [redacted]	)	
	)	**SETTLEMENT**
and	)	**AGREEMENT &**
	)	**RELEASE**
the Los Angeles County Sheriff's Department	)	

PRELIMINARY STATEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department and (hereinafter referred to as "Department") and John Arreola (hereinafter referred to as "Arreola"), relative to administrative investigation number IV 2093872.

RECITALS

The Department and Arreola are parties to the above-referenced matter and desire to avoid litigation, and to settle all disputes and issues in said matter upon the terms and conditions hereinafter set forth.

NOW AND THEREFORE, the Department and Arreola for and in consideration of the mutual covenants herein, agree as follows:

1. Upon execution of this Agreement, Arreola shall voluntarily demote from Deputy Sheriff to the position of Custody Assistant. The date of his demotion shall be effective the following business day of this Agreement.

2. Both parties agree and understand that Arreola's personnel records will reflect this demotion which may be used for the purposes of demonstrating "progressive discipline."

3. The Department and Arreola understand and specifically agree that Arreola's demotion does **not** fall into the conditions for reinstatement under Los Angeles County Code Rule 17.03, which states: "After approval of the director of personnel, the appointing power may restore an employee at any time to any position previously held by virtue of an appointment from an eligible list, or to any position for which a transfer or reassignment would be authorized by these Rules, provided service has been continuous since holding such position, or that any break in service since

holding such position has been followed by reinstatement or appointment from a reemployment list which resulted from a layoff or reduction in lieu of layoff."

4. Arreola, upon execution of this Agreement, shall waive any and all future administrative and/or judicial remedies involving, arising from, connected to, or pertaining to the suspension. This waiver shall include, but not be limited to: appeals to the Los Angeles County Civil Service Commission and/or the Los Angeles County Employee Relations Commission and/or the Los Angeles County Department of Human Resources; and/or any charge, complaint or claim to the Equal Employment Opportunity Commission, Department of Fair Employment & Housing, any other administrative agency, and/or to any state or federal court of law.

5. The parties further agree that this settlement shall not be considered, cited or used in past, present, or future disputes involving as establishing past precedent or past employment practice; whether such disputes are made before administrative agencies, judicial agencies, or internal departmental units. This Agreement resolves the dispute between Arreola and the Department, and is not to be applied to any other facts or disputes.

6. In consideration of the terms and conditions set forth herein, Arreola agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Arreola concerning the subject matter referred herein.

7. Each party hereto represents and agrees that he or it has carefully read and fully understands all of the provisions of the Agreement, and that he or it is voluntarily, without any duress or undue influence on the part of or on behalf of any party, entering into this Agreement.

8. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. A photocopy or facsimile transmission of the Agreement, including signatures, shall be deemed to constitute evidence of the Agreement having been executed.

9. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Agreement.

JOHN ARREOLA #[redacted]
SETTLEMENT AGREEMENT

10. The parties agree that the foregoing comprises the entire Agreement between the parties and that there have been no other promises made by any party. Any modification of this Agreement must be in writing.

I have read the foregoing Settlement Agreement and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

John Arreola, #[redacted]
Deputy Sheriff

10-04-04
Date

As to Form Only:

10/4/04
Date

For the Department:

NEAL B. TYLER, CHIEF
FIELD OPERATIONS REGION I

10-4-04
Date



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

August 26, 2004

Deputy Angela Gonzalez, #[redacted]

Dear Deputy Gonzalez:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective at the close of business on September 17, 2004.

An investigation under File Number IAB 2093872, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/040.70, False Statements and/or 3-01/050.10, Performance to Standards, on or about July 12, 2003, you knowingly or willingly made false statements in a report you submitted when you wrote the following statements in the Probable Cause Declaration, U.R.N. 403-0168-1257-184, as evidenced by but not limited to:

   a) "Deputy Arreola found a small paper bindle containing a green leafy substance resembling marijuana in his [the suspect's] right front pant coin pocket."

   b) "S/[redacted] told Deputy Arreola that he was on probation and had a small personal stash of marijuana in his pocket."

2. That in violation of Manual of Policy and Procedures Sections 3-01/100.35, False Information in Records and/or 3-01/050.10, Performance to Standards, on or about July 12, 2003, you made a false official record when you knowingly and/or willingly entered false

information in a Department report when you wrote the following statements in the Probable Cause Declaration, U.R.N. 403-01688-1257-184, as evidenced by, but not limited to:

a) "Deputy Arreola found a small paper bindle containing a green leafy substance resembling marijuana in his [the suspect's] right front pant coin pocket."

b) "S/[redacted] told Deputy Arreola that he was on probation and had a small personal stash of marijuana in his pocket."

3. That in violation of Manual of Policy and Procedures Sections 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations and/or 3-01/050.10, Performance to Standards , on or about March 26, 2004, you knowingly and/or willingly made a false and/or misleading statement during a Departmental internal investigation when you said you were on duty for 16 or 17 hours, when you had been on duty for 12 hours.

4. That in violation of Manual of Policy and Procedures Sections 3-01/100.35, False Information in Records and/or 3-01/050.10, Performance to Standards, on or about July 12, 2003, you made a false official record when you knowingly caused to be entered false information in a Department report when you submitted Los Angeles County Sheriff's Department Incident Report, U.R.N. 403-01688-1257-184. The false information includes, but is not limited to:

a) "Deputy Arreola found a small paper bindle containing a green leafy substance resembling marijuana in his [the suspect's] right front pant coin pocket."

b) "Deputy Arreola contacted the right front passenger who told him that he was on probation and had a small personal stash of marijuana in his pocket."

5. That in violation of Manual of Policy and Procedures Sections 3-01/050.05, Performance of Duty and/or 3-01/050.10, Performance to Standards, you failed, as a senior officer, to correct the statement relative to the seizure of a small bindle of marijuana that you had seized. The Probable Cause Declaration and Incident Report under

U.R.N. 403-01688-1257-184 stated that your partner, Deputy Arreola, had seized the marijuana.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Neal Tyler on September 14, 2004, at 1400 hours, in his office, which is located at Sheriff's Headquarters Building, 4700 Ramona Boulevard, Monterey Park on the 4th Floor. If you are unable to appear at the scheduled time and wish to schedule some other time prior to September 14, 2004, for your oral response, please call Chief Tyler's secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Tyler's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Tyler's office by no later than September 14, 2004.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Eric B. Smith

Eric B. Smith, Captain
Commander, Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

EBS:lh

c: Advocacy Unit
Employee Relations Unit
Chief Neal Tyler, FORI
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # 2093872)

LOS ANGELES COUNTY DISTRICT ATTORNEY **CHARGE EVALUATION WORKSHEET**	☐ Further investigation requested. ☐ Probation Violation in lieu of filed. ☒ Prosecution declined.	DA CASE NO. 23846432 POLICE CASE NO. (DR OR URN NO.) 403-00063-2003-325	Page 1 of 4 Date: December 23, 2003 DA OFFICE CODE J.S.I.D. 03-0815R

SUSPECT DATA

NO.	SUSPECT NAME	BKNG NO.	CHARGE	REASON
01	ARREOLA, JOHN	N.I.C.	PC118.1	B - Insufficient evidence
02	GONZALEZ, ANGELA	N.I.C.	PC118.1	B - Insufficient evidence

DESCRIPTION
SEE ATTACHED.

STEVE COOLEY District Attorney	COMPLAINT DEPUTY (PRINT) LINDA SUE REISZ/smm	DEPUTY CODE 106260	COMPLAINT DEPUTY (SIGNATURE) Linda Reisz	REVIEWING DEPUTY [signature]

In submitting this matter for consideration of a complaint, written reports of substantially all available evidence (except as to the oral information, if any, purporting to have been given by me and which is fully and correctly stated above) have been submitted to the above-named Deputy (copies of which are attached hereto) except the following:

The disposition of this matter will be final unless the commanding officer requests reconsideration of the case, stating his reasons on the back of this form.

MAILED 01/07/04
OFFICER - SGT. WILLIAM LOONEY
L.A.S.D. I.C.I.B.

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of allegations that Los Angeles County Sheriff's Deputies John Arreola [redacted] and Angela Gonzalez [redacted] filed a false police report, a violation of Penal Code Section 118.1. For the reasons set forth below, this office declines to initiate criminal proceedings in this matter.

FACTUAL ANALYSIS

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department submitted to this office on October 21, 2003 by Sergeant William Looney, Internal Criminal Investigations Bureau. We have not considered any administratively compelled statements Deputies Arreola and Gonzalez may have made.

On July 12, 2003, Deputies Arreola and Gonzalez were assigned to the Crescenta Valley Sheriff's Station. Deputy Gonzalez, a [redacted] had been assigned to work with Deputy Arreola on only one prior occasion. While conducting a routine check of a turnout on Angeles Crest Highway, the deputies observed several individuals seated inside a parked van. Three other men, apparently gang members, walked away from the van when the deputies arrived, carrying glass beer bottles. When the deputies approached the van, they could smell the odor of marijuana. The deputies requested that the men step out of the van. According to the ten-page narrative portion of the police report and the three-page Probable Cause Declaration, suspect [redacted] stated to Deputy Arreola that he was on probation and had a small personal stash of marijuana in his pocket. According to these reports, Deputy Arreola conducted an initial search of [redacted] and recovered two glass smoking pipes in [redacted] left front pant pocket. [redacted] was placed in the patrol car during a warrant check which disclosed two outstanding felony warrants. The police report authored by Deputy Arreola states that, during a search of [redacted] incident to his arrest, "I… retrieved a small paper bindle containing a green leafy substance resembling marijuana in his right front pant coin pocket." When assisting deputies arrived, an additional search of the van netted another pipe, as well as baggies of methamphetamine and marijuana.

Deputy [redacted] told investigators that he had served as Deputy Arreola's [redacted] for approximately three months. [redacted] Deputy Arreola had previously been assigned to [redacted] Deputy [redacted] added that Deputy Arreola's [redacted] has corrected Deputy Arreola's reports. Deputy Arreola stated to Deputy [redacted] that he had written a Probable Cause Declaration (PCD) which was not approved and a sergeant had told Deputy Gonzalez to write another PCD. After completing the PCD, Deputy Gonzalez "dictated" the ten-page narrative contained in the police report which Deputy Arreola wrote. Deputy Arreola explained that the report he had written was inaccurate in stating that the suspect told him that he was on probation and had marijuana in his pocket. Deputy [redacted] did not ask whether the suspect could have made the statement to Deputy

Gonzalez. Additionally, Deputy Arreola stated that, contrary to the statement in the police report that he had recovered the marijuana, he had "missed" the marijuana in the suspect's coin pocket and Deputy Gonzalez found the marijuana after the suspect was handcuffed. Deputy Arreola also told Deputy [redacted] that he had been tired when he wrote the report because he had worked a double shift and then four additional hours. Deputy [redacted] believed that Deputy Arreola did not question Deputy Gonzalez as she dictated the report because Deputy Arreola lacked the confidence to do so.

According to Sergeant James Noennick, he directed Deputy Arreola to go home on July 12, 2003, because he had worked hours beyond his double shift and was in his twentieth hour of work, in violation of Department policy.

Deputies [redacted] and [redacted] were called to assist Deputies Arreola and Gonzalez. During the arrests, Deputy Gonzalez stated, "I can't believe he missed the dope." Deputy [redacted] added that she had previously worked with Deputy Gonzalez and that Deputy Gonzalez, when correcting or dictating a report, had never told her to make a false or inaccurate statement in a report.

Investigators interviewed many of the arrestees whose descriptions of the arrests matched the reports in most details. However, Alfredo Chavez stated to investigators that Deputy Arreola had recovered the cylindrical piece of glass in his pocket and that Deputy Gonzalez had recovered the marijuana from his pants pocket after a warrants check revealed that he had two outstanding warrants for his arrest.

According to Sergeant Carlos Avila, the Acting Watch Commander, Deputy Arreola came to his office by himself to explain the arrest and to deliver the original PCD. Deputy Arreola stated that the suspect told him that there was marijuana in his pants pocket and, when he searched the suspect, he recovered narcotic paraphernalia and marijuana. Sergeant Avila reviewed the PCD and found it "somewhat illegible" and to contain excessive details in some respects and insufficient detail in other respects. Sergeant Avila then spoke to both deputies, and Deputy Gonzalez stated that it would be easier to rewrite a new PCD since the erasures would render the PCD even more illegible. The PCD, executed under penalty of perjury by Deputy Gonzalez, states that "Deputy Arreola found two glass pipes commonly used to ingest narcotics in his left front pant pocket" and "a small paper bindle containing a green leafy substance resembling marijuana in his right front pant coin pocket." Sergeant Avila approved the second PCD.

CONCLUSION

Penal Code Section 118.1 states that "every peace officer who files any report with the agency which employs him or her regarding the commission of any crime or any investigation of any crime, if he or she knowingly and intentionally makes any statement regarding any material matter in the report which the officer knows to be false…is guilty of filing a false report…." Materiality is an essential element of the crime of perjury and

must be determined by the jury. People v. Hedgecock (1990) 51 Cal.3d 395. Materiality depends upon "whether the false statements concern a subject [which] could reasonably influence the outcome of the proceedings." Id. at 405.

Insufficient evidence exists upon which to base criminal charges against Deputies Arreola and Gonzalez. The police report and PCD misstate the identity of the deputy who actually recovered a small amount of marijuana from Chavez' coin pocket, while, in all other respects, appear to accurately describe the detention, search and arrest by the deputies. The search appears to be legal, whoever may have recovered the contraband. A jury could reasonably conclude that, since the marijuana was not "planted" and was legally recovered, the identity of the deputy would not be material.

Further, a jury could find that the deputies inadvertently misstated the facts in the reports, rather than intentionally drafting a false report. The deputies wrote the reports after working long overtime hours, possibly leading to the conclusion that their fatigue was responsible for the inaccuracies. Further, Deputy Arreola never called Deputy Gonzalez' attention to her inaccurate statement. It is possible that Deputy Arreola heard Deputy Gonzalez dictate the words "I retrieved a small paper bindle," misinterpreted the pronoun "I" and believed it referred to himself. Finally, there is no evidence of Deputy Gonzalez' state of alertness as she re-copied the PCD written by Deputy Arreola and, in the absence of any evidence, a jury could conclude that she was tired and simply did not pay attention to the words she re-copied.

Thus, while Deputy Arreola's professionalism and integrity may legitimately be questioned, there is insufficient evidence upon which to initiate criminal proceedings against him. There is similarly insufficient evidence upon which to base a criminal filing against Deputy Gonzalez. We are closing our file and will take no further action in this matter.

In the intended discharge matter of)
Angela Gonzalez, Employee No.[redacted])
and)
the Los Angeles County Sheriff's Department)

SETTLEMENT AGREEMENT & RELEASE

PRELIMINARY STATEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department anc (hereinafter referred to as "Department") and Angela Gonzalez (hereinafter referred to a: "Gonzalez").

RECITALS

The Department and Gonzalez are parties to the intended discharge of Gonzalez, IAB Filc No. 2093872, and desire to avoid litigation, and to settle all disputes and issues in said matter upor the terms and conditions hereinafter set forth.

NOW AND THEREFORE, the Department and Gonzalez, for and in consideration of the mutual covenants herein, agree as follows:

1. Upon execution of this Agreement, the Department will rescind the intent tc discharge Gonzalez, and will impose a 30-day suspension, of which ten (10) days will be held in abeyance for two (2) years from date of execution of this Agreement. (See attached stipulated Letter of Imposition).

2. The Department will make every best effort to attempt to permit Gonzalez to serve the remaining twenty (20) days of her 30-day suspension in increments of five (5) days, over a period of no more than four (4) months. However, Gonzalez acknowledges and understands that serving a suspension in increments over a period of time may not be possible.

3. Gonzalez understands that if she becomes the subject of a founded investigation involving similar violations relating to false statements of the Manual of Policy and Procedures regarding "False Information in Records", and/or similar facts relating to Performance to Standards", or "Performance of Duty", within a twenty-four (24) month period from the date of execution of this Agreement, the ten (10) days suspension held in abeyance shall be imposed. Gonzalez also understands that she



will be subject to additional discipline for each and every subsequent founde(violation of the Department's Manual of Policy and Procedures.

4. Both parties agree and understand that Gonzalez's records will reflect that a thirt (30) day suspension was imposed and may be used for the purposes of demonstratin; "progressive discipline".

5. Gonzalez, upon execution of this Agreement, shall waive any and all futur administrative and/or judicial remedies involving, arising from, connected to, o pertaining to the suspension. This waiver shall include, but not be limited to: appeal: to the Los Angeles County Civil Service Commission and/or the Los Angeles Count Employee Relations Commission; and/or any charge, complaint or claim to the Equa Employment Opportunity Commission, Department of Fair Employment & Housing any other administrative agency, and/or to any state or federal court of law.

6. The parties further agree that this settlement shall not be considered, cited or used ir past, present, or future disputes involving as establishing past precedent or pas employment practice; whether such disputes are made before administrative agencies judicial agencies, or internal departmental units. This Agreement resolves the disput between Gonzalez and the Department, and is not to be applied to any other facts o disputes.

7. In consideration of the terms and conditions set forth herein, Gonzalez agrees to full release, acquit and forever discharge the County, and all present and former officers employees and agents of the County and their heirs, successors, assigns and lega representatives from any and all liability whatsoever for any and all claims arising ou of or connected with the employment relationship between the County and Gonzale concerning the subject matter referred herein. Additionally, Gonzalez specificall waives claims regarding discrimination, harassment or retaliation in any form including, but not limited to, discrimination, harassment or retaliation based upo age, race, religious creed, color, national origin, ancestry, physical disability, menta disability, medical condition, marital status, parental status, or sex, and that she ha no claim against the Department for any such discrimination

8. Each party hereto represents and agrees that she or it has carefully read and full understands all of the provisions of the Agreement, and that she or it is voluntarily without any duress or undue influence on the part of or on behalf of any party. entering into this Agreement.

9. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. A photocopy or facsimile transmission of the Agreement, including signatures, shall be deemed to constitute evidence of the Agreement having been

ANGELA GONZALEZ, [redacted]
SETTLEMENT AGREEMENT

executed.

10. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Agreement.

11. The parties agree that the foregoing comprises the entire Agreement between the parties and that there have been no other promises made by any party. Any modification of this Agreement must be in writing.

I have read the foregoing Settlement Agreement and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

Angela Gonzalez, [redacted]
Deputy Sheriff

11-15-04
Date

As to Form Only:

Richard A. Shinee
GREEN & SHINEE, A.P.C.

11/15/2004
Date

For the Department:

Neal B. Tyler, Chief
Field Operations Region I

11/17/04
Date



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



January 13, 2005

Deputy Angela Gonzalez, #[redacted]

Dear Deputy Gonzalez:

On August 26, 2004, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2093872. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. After reviewing the response submitted to support your position, the Department executives have amended the recommended discipline.

You are hereby notified that pursuant to a settlement agreement between you and this Department, you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department, for a period of thirty (30) days. However, pursuant to the settlement agreement, ten (10) of the thirty (30) days will be held in abeyance for a period of twenty-four (24) months which will end on November 16, 2006. If you should become the Subject of a founded administrative investigation, involving similar violations regarding false statements of the Manual of Policy and Procedures relating to False Information in Records, and/or similar facts relating to Performance to Standards or Performance of Duty issues, and the event occurred within the prescribed twenty-four (24) month time period, the ten (10) days held in abeyance will be imposed. Additionally, you will be subject to further discipline for each and every founded violation of the Department's Manual of Policy and Procedures. All Departmental records will reflect, nevertheless, that you received a thirty (30) day suspension.

Pursuant to the settlement agreement, the Department has agreed to impose a salary step reduction for a period of six months that will be equivalent to the monetary value of the remaining twenty (20) day suspension.

An investigation under File Number IAB 2093872, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/040.70, False Statements and/or 3-01/050.10, Performance to Standards, on or about July 12, 2003, you knowingly or willingly made false statements in a report you submitted when you wrote the following statements in the Probable Cause Declaration, U.R.N. 403-0168-1257-184, as evidenced by but not limited to:

    a) "Deputy Arreola found a small paper bindle containing a green leafy substance resembling marijuana in his [the suspect's] right front pant coin pocket."

    b) "S/[redacted] told Deputy Arreola that he was on probation and had a small personal stash of marijuana in his pocket."

2. That in violation of Manual of Policy and Procedures Sections 3-01/100.35, False Information in Records and/or 3-01/050.10, Performance to Standards, on or about July 12, 2003, you made a false official record when you knowingly and/or willingly entered false information in a Department report when you wrote the following statements in the Probable Cause Declaration, U.R.N. 403-01688-1257-184, as evidenced by, but not limited to:

    a) "Deputy Arreola found a small paper bindle containing a green leafy substance resembling marijuana in his [the suspect's] right front pant coin pocket."

    b) "S/[redacted] told Deputy Arreola that he was on probation and had a small personal stash of marijuana in his pocket."

3. That in violation of Manual of Policy and Procedures Sections 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations and/or 3-01/050.10, Performance to Standards , on or about March 26, 2004, you knowingly and/or willingly made a false and/or misleading statement during a Departmental internal investigation when you said you were on duty for 16 or 17 hours, when you had been on duty for 12 hours.

4. That in violation of Manual of Policy and Procedures Sections 3-01/100.35, False Information in Records and/or 3-01/050.10, Performance to Standards, on or about July 12, 2003, you made a false official record when you knowingly caused to be entered false information in a Department report when you submitted Los Angeles County Sheriff's Department Incident Report, U.R.N. 403-01688-1257-184. The false information includes, but is not limited to:

   a) "Deputy Arreola found a small paper bindle containing a green leafy substance resembling marijuana in his [the suspect's] right front pant coin pocket."

   b) "Deputy Arreola contacted the right front passenger who told him that he was on probation and had a small personal stash of marijuana in his pocket."

5. That in violation of Manual of Policy and Procedures Sections 3-01/050.05, Performance of Duty and/or 3-01/050.10, Performance to Standards, you failed, as a senior officer, to correct the statement relative to the seizure of a small bindle of marijuana that you had seized. The Probable Cause Declaration and Incident Report under U.R.N. 403-01688-1257-184 stated that your partner, Deputy Arreola, had seized the marijuana.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Timothy W. Peters, Captain
Commander, Crescenta Valley Station

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

TWP:KM:rjb

c: Advocacy Unit
Neal B. Tyler, Chief, Field Operations Region I
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Crescenta Valley Station/unit Personnel File